

Message Text

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46

ACTION DLOS-06

INFO OCT-01 EA-07 ISO-00 IO-13 AF-08 ARA-06 EUR-12 NEA-10

OIC-02 ACDA-07 AGR-05 AID-05 CEA-01 CEQ-01 CG-00

CIAE-00 CIEP-01 COME-00 DODE-00 DOTE-00 EB-07 EPA-01

ERDA-05 FEAE-00 FMC-01 TRSE-00 H-02 INR-07 INT-05

JUSE-00 L-03 NSAE-00 NSC-05 NSF-01 OES-06 OMB-01

PA-01 PM-04 PRS-01 SP-02 SS-15 USIA-06 SAL-01 AGRE-00

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R 070908Z SEP 76

FM AMEMBASSY KUALA LUMPUR

TO SECSTATE WASHDC 4486

INFO AMEMBASSY BANGKOK

AMEMBASSY JAKARTA

AMEMBASSY MANILA

AMEMBASSY SINGAPORE

AMEMBASSY TOKYO

US MISSION UN NEW YORK 731

LIMITED OFFICIAL USE KUALA LUMPUR 5121

E.O. 11652: N/A

TAGS: PLOS, MY

SUBJECT: STATEMENT RELEASED ON LOS CONFERENCE

REF: STATE 218655

1. LOCAL PRESS SEPT 6 CARRIED STATEMENT ON LOS BY MINISTER OF LAW/
ATTORNEY GENERAL TAN SRI ABDUL KARIR YUSOF RELEASED BY FOREIGN
MINISTRY HERE. KADIR, WHO CURRENTLY IS IN NEW YORK HEADING GOM
DELEGATION TO THE LOS CONFERENCE, IS QUOTED AS SAYING THAT "THE
GENERAL PROGRESS OF THE CONFERENCE...HAS BEEN VERY DISAPPOINTING
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BECAUSE OF UNCOMPROMISING POSITIONS TAKEN BY SOME (UNSPECIFIED)

COUNTRIES." COMMENTING THAT THE AIMS OF THE LOS CONFERENCE ARE DIFFICULT TO ACHIEVE BECAUSE OF THE DIVERGENT INTERESTS OF THE PARTICIPANTS, KADIR REPORTEDLY STATED THE DEVELOPED COUNTRIES PREFER THE INTERNATIONAL COURT OF JUSTICE WHILE "DEVELOPING COUNTRIES ARE WARY OF THE COURT (ICJ) "BECAUSE OF ITS TENDENCY TO APPLY TRADITIONAL CONCEPTS OF INTERNATIONAL LAW WHICH ARE BASED ON WESTERN NOTIONS OF CIVILIZATION AND HENCE DO NOT REFLECT ADEQUATELY THE NOTIONS OF JUSTICE AND EQUITY AS CONCEIVED BY THE DEVELOPING COUNTRIES."

2. KADIR ALSO COMMENTED ON THE WORK OF THE CONFERENCE AS IT RELATED TO COMMITTEES I, II, AND III. RE COMMITTEE I, HE MERELY NOTED THAT THE GOM WAS TAKING AN ACTIVE PART IN DISCUSSION, PARTICULARLY WITH REGARD TO THE ECONOMIC ASPECTS OF EXPLOITATION. HOWEVER, KADIR SPECIFICALLY STATED COMMITTEE II DRAFTS CONTAIN MEASURES WITH "ADVERSE CONSEQUENCES"FOR STRAITS STATES, CHARACTERIZING THE DRAFTS AS "HEAVILY WEIGHTED" IN FAVOR OF THE MARITIME POWERS. HE SAID THAT MALAYSIA IS CURRENTLY TRYING TO WORK OUT A "MORE BALANCED" REGIME FOR STRAITS AND WILL TABLE AMENDMENTS WHEN THIS ISSUE COMES UP BEFORE THE COMMITTEE THIS WEEK. HE CONCLUDED BY SAYING THAT IN COMMITTEE III THE GOM IS TRYING TO ENSURE THAT STRAITS STATES ARE GIVEN NECESSARY POWERS TO PROTECT THEMSELVES FROM POLLUTION BY PASSING SHIPS.

3. "NEW STRAITS TIMES," WHICH FREQUENTLY REFLECTS GOVT VIEWS IN ITS EDITORIALS, EXPANDED ON THE REPORT OF KADIR'S STATEMENTS IN AN EDITORIAL SEPT 7 ENTITLED "STILL AT SEA." "MUCH MORE THAN DIFFERENCES OF OPINION HAS SURFACED AT THE FIFTH SESSION," THE NST WROTE, "(KADIR) HAS COMPLAINED THAT LITTORAL STATES HAVE BEEN SHORTCHANGED OVER DRAFT PROVISIONS RELATING TO HARVESTING OF 200-MILE ECONOMIC ZONES AND USE OF STRAITS. AS TO THE MECHANISM FOR ADJUDICATION OF DISPUTES, THE INDUSTRIAL BLOC AND THE DISADVANTAGED NOTE AN ELEMENT OF IMPOSITION IN EACH OTHER'S VIEWPOINTS. NATIONALISM, IDEOLOGY AND GRAB-AND-RUN TACTICS ARE HURTING THE DISCUSSIONS MORE THAN DIFFERENCES OVER FUNDAMENTALS EVER COULD. THERE HAS TO BE A RETURN TO FIRST PRINCIPLES, OR DR. KISSINGER'S WORDS BEGIN TO SOUND LIMITED OFFICIAL USE

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LIKE A SELF-FULFILLING PROPHECY. HE SAID A TREATY MAY NOT BE POSSIBLE FOR ANOTHER GENERATION IF THE CURRENT TALKS FAIL. ONE CANNOT BE COMFORTABLE ABOUT MANKIND'S COMING DEPENDENCE ON THE LAWLESS SEA."

4. COMMENT. CONJUNCTION OF KADIR STATEMENT AND NST EDITORIAL PROBABLY INDICATES THAT MFA WISHES TO PREPARE THE DOMESTIC AUDIENCE FOR A POSSIBLE CONFLICT BETWEEN MALAYSIA

ON THE ONE HAND AND THE DEVELOPED COUNTRIES (PARTICULARLY
THE U.S.) ON THE OTHER. REGARDLESS OF THE OUTCOME, THE
GOM WOULD WANT TO BESIN A POSITION TO CLAIM IT WAS ON THE SIDE
OF THE ANGELS. ONE ALSO MIGHT SPECULATE THAT THE APPEARANCE
OF A STATEMENT BY KADIR AT THIS TIME, HE USUALLY ONLY MAKES
ONE ON DEPARTURE FOR AND ARRIVAL FROM LOS CONFERENCE, IS AN
ATTEMPT TO ATTRACT OUR ATTENTION TO HIS DISSATISFACTION
WITH THE WAY THINGS ARE GOING IN NEW YORK.
UNDERHILL

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